



Planning Commission Meeting Agenda

Tuesday, June 15, 2021 at 7:00 PM
27400 Southfield Road, Lathrup Village, Michigan 48076

ZOOM REMOTE MEETING INFORMATION

Webinar ID: 996 6174 352

Password: 435623

CLICK HERE: [Online link](#)

Telephone: 646.558.8656 or 312.626.6799

CLICK HERE: [Public Comment Form Link](#)

In accordance with Emergency Orders issued by the Michigan Department of Health and Human Services, Oakland County, local officials, and State of Michigan legislation, which allows for electronic meetings of public bodies, notice is hereby given that the City of Lathrup's Planning Commission will be meeting electronically using www.Zoom.us for videoconference and public access.

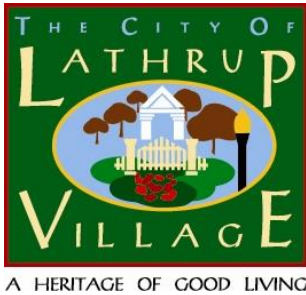
1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Agenda**
5. **Approval of Meeting Minutes**
 - [A.](#) Minutes - Planning Commission Meeting May 18, 2021
6. **Public Comment**
7. **New Business**
 - A. Election of New Secretary
 - B. Set public hearing to Adopt 2021 Comprehensive Plan - July 20, 2021
 - [C.](#) Zoning Text Amendments - Landscaping Standards introduction
8. **Old Business and Tabled Items**
 - A. Public Comment - Draft Recreational Cannabis Zoning Ordinance
 - [B.](#) Cannabis Discussion
 - C. Building Materials Study Group

9. **Other Matters for Discussion**

A. Sustainability & Resiliency Discussion

10. **General Communication**

11. **Adjourn**



Planning Commission Meeting

DRAFT Minutes

Tuesday, May 18, 2021 at 7:00 PM
27400 Southfield Road, Lathrup Village, Michigan 48076

ZOOM REMOTE MEETING INFORMATION

Webinar ID: 996 6174 35249

Password: 435623

CLICK HERE: [Online Link](#)

Telephone: 646.558.8656 or 312.626.6799

CLICK HERE: [Public Comment Form Link](#)

In accordance with Emergency Orders issued by the Michigan Department of Health and Human Services, Oakland County, local officials, and State of Michigan legislation, which allows for electronic meetings of public bodies, notice is hereby given that the City of Lathrup's Planning Commission will be meeting electronically using www.Zoom.us for videoconference and public access.

Call to Order at 7:00 p.m. by Chair Piotrowski

Commissioners Present:

- Mark Piotrowski, Chair
- Jason Hammond – Vice Chair
- Bruce Kantor, City Council Liaison
- Anna Thompson, Secretary
- Commissioner Wilbert Fobbs, III

Excused: Commissioner Les Stansbery

This meeting is being held remotely. All Commissioners who were present announced they are in Lathrup Village, Michigan, Oakland County with the exception of Anna Thompson who is located in Ann Arbor, Michigan, Washtenaw County.

Staff Present:

- Dr. Sheryl Mitchell, City Administrator, Scott Baker, City Attorney, Susie Stec, Community and Economic Development Manager, Yvette Talley, City Clerk

Lathrup Village Planning Commission Minutes May 18, 2021

Also Present: Eric Pietsch, Giffels, Jefferson Wiggins, US Rehab, Josh Scherzer -NCS Team,
Architect, Joe Westerbeke, ENG Inc., Ryan McEnhill, ENG, Inc. Terry Bindschatel,
Discount Tire

Pledge of Allegiance

All present joined in the Pledge of Allegiance.

Approval of Agenda

Motion by Board member Kantor, seconded by Board member Hammond to approve the Agenda.

Yes: Fobbs, Hammond, Kantor, Piotrowski, Thompson

No: None

Motion carried.

Approval of Meeting Minutes of April 20, 2021

Motion by Board member Kantor, seconded by Board member Hammond to approve the minutes of April 20, 2021 with a correction.

Yes: Fobbs, Hammond, Kantor, Piotrowski, Thompson

No: None

Motion carried.

Excuse Commissioner Les Stansbery

Motion by Commissioner Hammond, seconded by Commissioner Kantor to excuse Commissioner Les Stansbery from this meeting.

Yes: Fobbs, Hammond, Kantor, Piotrowski, Thompson

No: None

Motion carried.

Public Comment

None

Lathrup Village Planning Commission Minutes May 18, 2021

New Business

A. Site Plan Review – US Rehab (26079 Southfield Road)

Eric Pietsch gave an overview and answered specific questions regarding the change of use for US Rehab. The change will be 1 story mixed-use facility 6,000 sq. ft. of which the proposed change of use will occupy 2,508 sq. ft. The previous use was a drycleaner changing it to a medical office-rehabilitation facility.

This property will have 37 parking spaces. Discussed parking requirements and whether or not they have the ability to take proper access from the alley. Jefferson Wiggins stated the back parking spaces will be used for employees. Their business has transportation services that will drop off and pick up patients. There will be no more than 5 patients there at a time. If the alley is needed for parking, the owner will have to obtain an encroachment license from the City. Susie Stec requested the applicant to do a survey to confirm the width between the alley and the parking lot to be sure the parking spaces are not encroaching on the alley.

City Attorney, Scott Baker stated that if Planning Commission decided to move this forward with conditional approvals that way, they won't have to come back to the Planning Commission next month. Most items can be administratively determined if they are compliant or not.

Motion by Commissioner Hammond , seconded by Commissioner Kantor to approve with the condition that a signed and sealed survey is delivered to the City for review and the administrative review of the survey supports the approval considering the zoning ordinance.

Yes: Fobbs, Hammond, Kantor, Piotrowski, Thompson

No: None

Motion carried.

B. Public Hearing - Special Land Use – Discount Tire (27000 Southfield Road)

Susie Stec gave an overview and answered specific questions. They appeared before City Council last month to receive a Class B non -conforming Zoning use determination to allow them to expand. They are proposing to build a small building addition for the storage of tires. As well as expand the parking lot in the adjacent residential lot for increase employee parking and to improve the overall general circulation of the site.

Chair Piotrowski opened the public hearing.

Beverly Banks & Wallace Banks – 17586 Sunnybrook Ave asked how far is parking lot extend into the neighborhood because they have a high volume of traffic coming down their street. How will the entrance/exit of the parking going to flow? Joe Westerbeke stated the total parking spaces will remain the same on the site. There should be no impact on the track flow on Sunnybrook. There are no additional services, no addition to the building so the total volume coming into the building should not change. Paved surface is expanding but the number of parking spaces will be the same.

Lathrup Village Planning Commission Minutes May 18, 2021

Chair Piotrowski closed the public hearing.

C. Special Land Use Approval – Discount Tire (27000 Southfield Road)

Eric Pietsch gave an overview and answered specific questions. The property consists of 5 different tracts, commercial vehicular, mixed-use along service drive, parcel that's within R-1 Residential district that is proposed to be the expansion of the service parking. The applicant is proposing the service parking expansion, small addition on the north side of the building for dead tire storage. Also, there will be coordination for the utility line. The southern portion of the single-family adjacent lot does not have a wall that separates the commercial use from the single-family residential use. The Planning Commission may consider extending the southern portion of the wall to the east in order to make a connection to the existing wall that separates the single family from the commercial use and add landscaping. Chair Piotrowski stated the property area between fences has to be maintained.

Discussion of circulation through the site - Flow of the sight in terms of operations from 11 Mile – through Sunnybrook on the northside exit on Southfield Road to alleviate traffic problems. They have tried using arrows but it caused too much congestion on 11mile road. (once the lot is resealed, the arrows will be removed) Discussion parking drive lane flow - drive lane to the east and the alleyway to the west is being proposed to try to alleviate any blockage on the alleyway. This area will be employee parking. Discussion of water runoff – drain it between the wall and the parking lot which will go through an engineering review process.

Commissioner Kantor stated the following conditions: daily maintenance of trash pick-up, bumper blocks stay aligned on the parking lot, abate the nuisance noise of the service bell, closing the wall-to-wall connection facing south, transition of the appearance of the wall, landscaping along 11 mile-rain garden swales, traffic circulation plan be provided, position of the utilities, applicant maintain the space between the walls and the landscaping in the buffer area, set back dimensions of the dumpster location, provide a dressed-up finish to both sides of the wall.

Commissioner Hammond stated -speed bumps need to be in the right-of-way in the alley. Attorney Scott Baker said technically it would be a traffic control device that the city can come to an agreement with the applicant where the city can install them and sharing the cost with the applicant rather than to do an encroachment license. It's not an improvement but more of a traffic device feature of the alleyway. If it's determined by the Planning Commission that they wanted those, it can be done administratively.

Charles Batcheller- 17606 Sunnybrook Ave. (through chat) asked what will the wall on Sunnybrook look like, will it come to the sidewalk? Response: There is a buffer over 6ft from the edge of the sidewalk and there will be landscaping in the front along the wall to provide additional screening. The wall will be a concrete block construction. Mr. Batcheller asked if there is a wall in the city that he can look at to compare? Chair Piotrowski will look into the matter further and Susie Stec will contact Mr. Batcheller.

Lathrup Village Planning Commission Minutes May 18, 2021

Motion by Commissioner Kantor to recommend, seconded by Commissioner Hammond to approve the Special Land Use for Discount Tire (27000 Southfield Road) as a recommendation to City Council with the following conditions: daily maintenance of trash pick-up, bumper blocks stay aligned on the parking lot, abate the nuisance noise of the service bell, closing the wall-to-wall connection facing south, transition of the appearance of the wall, landscaping along 11-mile rain garden swales, traffic circulation plan be provided, position of the utilities, applicant maintain the space between the walls and the landscaping in the buffer area, provide standard parking dimensions and labeling parking, number proposed existing parking spaces in the site plan, document set back dimensions of the dumpster location, water retention as part of the engineering phase of the work and provide a dressed-up finish to both sides of the wall.

Yes: Fobbs, Hammond, Kantor, Piotrowski, Thompson

No: None

Motion carried.

D. Site Plan Approval – 27000 Southfield Road – Discount Tire

Motion by Commissioner Kantor, seconded by Commissioner Hammond to approve the site plan with the following conditions: daily maintenance of trash pick-up, bumper blocks stay aligned on the parking lot, abate the nuisance noise of the service bell, closing the wall-to-wall connection facing south, transition of the appearance of the wall, landscaping along 11 mile rain garden swales, traffic circulation plan be provided, position of the utilities, applicant maintain the space between the walls and the landscaping in the buffer area, provide standard parking dimensions and labeling parking, number proposed existing parking spaces in the site plan, document set back dimensions of the dumpster location, water retention as part of the engineering phase of the work and provide a dressed-up finish to both sides of the wall.

Yes: Fobbs, Hammond, Kantor, Piotrowski, Thompson

No: None

Motion carried.

E. Public Hearing-Zoning Text amendments – Chapter 5: Site Standards & Chapter 6: Development Review

Chair Piotrowski opened the public hearing.

There were no public comments.

Chair Piotrowski stated -Changing the language to be more flexible for a clearer direction and clear path for these certain responsibilities.

Chair Piotrowski closed the public hearing.

Lathrup Village Planning Commission Minutes May 18, 2021

F. Discussion Zoning Text Amendments – Chapter 5: Site Standards & Chapter 6. Development Review

Susie Stec stated – maintenance of landscaping for (fence/swales) commercial property owners. Some of the changes in the development review are: reduction of number of physical plans applicants need to submit and standards for approval for establishments involving the manufacture or sale of any alcoholic beverages controlled by the Michigan Liquor Control Act, Public Act No. 58 of 1998 (MCL 436.1101 et seq.) or cannabis facilities regulated by the State of Michigan and Site Plan review applications and procedures – A pre-application fee, as established on the city's fee schedule, shall be paid prior to the pre-application conference. (the application fee is waived but if needed, it's there)

Motion by Commissioner Hammond, seconded to the Seconded by Commissioner Thompson to recommend to City Council the Zoning Text Amendments – Chapter 5: Site Standards & Chapter 6 Development Review.

Yes: Fobbs, Hammond, Kantor, Piotrowski, Thompson

No: None

Motion carried.

G. Establish Building Materials Study Group

Discussion of establishing a building materials study group. Jason Hammond and Mark Piotrowski volunteered for the study group. If other Planning Commission members would like to join, they are welcome to do so.

Motion by Commissioner Hammond, seconded by Commissioner Kantor to establish a Building Materials Study Group appoint Mark Piotrowski and Jason Hammond and reserve the right to add additional members at a later date.

Yes: Fobbs, Hammond, Kantor, Piotrowski, Thompson

No: None

Motion carried.

8. Old Business and Tabled Items

None

9. Other Matters for Discussion

Chair Mark Piotrowski, thanked Commissioner Anna Thompson for her contribution to the Planning Commission and wished her well in her future endeavors. Thanked Charito Hulleza for her second term of service to the Planning Commission. Susie Stec announced two new Planning Commissioners will join next month's meeting.

Lathrup Village Planning Commission Minutes May 18, 2021

10. **City Attorney Comments**

None

11. **General Communication**

A. **Giffels Webster Newsletter**

Susie Stec said – the hanging baskets arrived and there will be a planting party Saturday, May 22nd - 10:00 a.m. -1:00 p.m. Corridor clean-up Saturday, June 12th 9:00 a.m. -11:00 a.m. Juneteenth celebration will be Saturday, June 19th – 4:00 p.m. -8:00 p.m. for panel discussion, Diversity Challenge awards for businesses, community groups and residents (under 21 & over 21) There will be a cannabis open house Wednesday, May 26th –4:00 p.m. – 6:00 p.m. Community Room.

Adjourn

Motion by Commissioner Hammond, seconded by Commissioner Kantor to adjourn this meeting.

Yes: Fobbs. Hammond, Kantor, Piotrowski, Thompson

No: None

Motion carried.

The meeting adjourned at 8:57 p.m.

Submitted by Yvette Talley

Recording Secretary

memorandum

DATE: June 11, 2021
TO: Susie Stec, Community & Economic Development Director
FROM: Jill Bahm and Eric Pietsch, Giffels Webster
SUBJECT: Landscape Ordinance

Introduction

What prompted this discussion?

- The Planning Commission would like to explore how other communities address landscaping standards within their ordinances.

Background on Issue

What should be considered?

- Landscape ordinances are used by communities to preserve or improve the visual appearance of a community as well as to address environmental issues, such as air and water quality and stormwater management. By doing these things, property values are improved. Ordinances generally fall into three types of standards:
 - **General landscape ordinances.** These ordinances address wildlife habitats, wetlands, woodlands and specific areas of concern in a community.
 - **Site-specific landscape ordinances.** These ordinances address landscaping, or the replanting, of sites as they are improved and developed. These standards will include screening of utilities, waste receptacles and other mechanical equipment as well as buffering between uses. They may also address stormwater runoff and management.
 - **Tree preservation ordinances.** These ordinances typically try to prevent the clear-cutting of sites for development and have standards for the replacement of trees as they are removed.
- For the purposes of this memo, we will focus on site-specific landscape ordinances. There are a few important elements of landscape standards:
 - **Intent.** A good intent statement is important for most sections of the Zoning Ordinance, and the landscape section is no different. Clear intent statements help applicants understand why the standards are in place as well as help reviewing bodies (staff, the Planning Commission or City Council) understand how to apply standards as they review a proposed development. Furthermore, if an ordinance is challenged, clearly spelling out the legitimate purpose for the standards is essential.
 - **Applicability.** The ordinance should be clear on where and when landscape standards apply. For example, they may apply to all new development but perhaps they only apply to redevelopment projects when a certain threshold is met (such as a building or parking lot expansion of more than 25%)

- **Plan Requirements.** The ordinance should be clear on what a site plan and landscape plan should include. Such requirements might include that a landscape architect prepare the plans.
- **Standards.** Standards should be clear enough that applicants and reviewing bodies understand what is being required and how to know when requirements are satisfied. In addition, it is likely that uniform landscape standards are not necessarily needed throughout the community. For example, standards in a commercial corridor might be higher than those in an industrial area – or standards may be different between certain uses. Within this section, standards might address native and invasive species as well as define the basis for planting procedures (such as referencing best practices of American Society of Landscape Architects or similar group).
- **Maintenance.** A lack of greenery is sometimes no worse than dead or wild, overgrown and weedy landscape areas – both scenarios create a negative impression of an area.
- **Administration & Enforcement.** An ordinance is only as good as its enforcement. A lack of compliance with initial plantings or ongoing maintenance should result in fair but effective consequences. This may include revocation or withholding of permits, fines or other civil penalties.

Current Ordinance

In this section, we will compare the city's current ordinance standards with the standards of other communities.

- **Intent.** The current intent statement that introduces Section 5.15 is clear and includes rationale for regulations. Additional text could expand the intent to allow for other benefits, including:
 - Enhancing the visual image of the City, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses.
 - Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of more intensive, non-residential uses.
 - Encourage creativity on the part of the project owner in the designing and installation of landscape materials.
- **Applicability. This is an area in which the existing standards could be improved.** The Planning Commission has seen many renovation projects over the years in which landscaping should be updated to current standards, but due to parking and access constraints, it has been challenging for property owners to meet standards related to landscaping minimums and parking lot landscaping. It should be clear that landscape plans are required for projects requiring site plan review. The ordinance could be updated to provide better direction on what level of renovation triggers compliance and to what extent. Examples may include:
 - Landscaping requirements for building expansions equal to or less than 300 square feet of gross floor area and/or projects that do not propose any additional hard surfaced area for parking, may be limited to areas outside of the internal parking lot and site landscaping. This may still require landscaping along public rights-of-way.
 - Landscaping along the street and as a buffer between adjacent land uses shall take priority over parking lot and site landscaping. Where parking lot landscaping cannot be

provided, additional landscaping along the street or in the buffer areas could be considered.

- Sections 5.15.11, 5.15.13-14 provide additional applicability standards – these should be consolidated. It should be clear when and how standards apply for single-family residential and non-single-family residential properties.
- **Plan Requirements.** The city’s requirements for a landscape plan is found within Section 5.15.1.
 - The ordinance does provide requirements for landscape plans and that such plans be prepared by a registered landscape architect. In addition to the contact information of the landscape designer, the contact information for the property manager should be included.
- **Standards.** Sections 5.15.2-8 provide standards for overall site landscaping, buffer strips and parking landscaping. In addition, recommended species and prohibited species are included. These lists should be more fluid and easily changed to stay current with best landscaping practices (including pest/disease management).
- **Maintenance.** Section 5.15.9. addresses installation, maintenance and completion. The standards state that the property owner “shall maintain such landscaping in a strong and healthy condition, free from refuse, debris and insects.” Further, the ordinance requires landscaping to be consistent with the maintenance of the municipal building.
 - There is a statement that “All unhealthy and dead material shall be replaced within one year or by the end of the next planting season (whichever comes first) with materials conforming to the specifications of this ordinance.” But it is unclear if that means one year from the time of original planting, or any time dead material is observed. This could be clarified.
 - An additional requirement could be for the property manager to have an ongoing seasonal maintenance program for all landscaping. Further, it should be clear that owners and their successors in title are responsible for the regular maintenance of all landscaping materials such that they are kept in good condition, including street trees located in the adjacent right-of-way.
 - Section 5.15.10 requires yards to be landscaped but says this does not apply to vacant lots. The Planning Commission may wish to discuss whether vacant lots should be required to be maintained in some fashion.
- **Administration & Enforcement.** Section 5.15.9 requires landscaping to be planted before obtaining a certificate of occupancy or a financial guarantee is required.

Recommendation

The Planning Commission may wish to discuss other observations, concerns and thoughts on landscaping within the city. Amendments should provide for flexibility as well as the recognition of small commercial lots and the limited ability of property owners to landscape in the Southfield Road right-of-way.

Existing Language

5.15 LANDSCAPING REGULATIONS

Intent of article. It is legislatively determined that well landscaped lands and buildings have a greater functional appeal to their occupants, invitees, and neighbors which leads to the enhancement and preservation of property values. On the other hand, parcels which lack or neglect minimal standards of landscaping tend to act as a blighting influence on neighboring properties. Proper landscaping can also reduce or delay stormwater runoff, soil erosion, and downstream flooding which are frequent results of urbanization. Landscaping regulations are therefore imposed to set minimum standards for all properties in the city by this article and the other provisions of this ordinance. Property owners and occupants are encouraged to exceed these standards, to minimize paved and other quick runoff areas, and to maximize the areas devoted to attractively arranged and well-maintained live plantings.

1. Landscape plan. Such plans shall be prepared and sealed by a landscape architect registered and in good standing in the State of Michigan and submitted to the City of Lathrup Village Building Department for review and approval prior to the installation of any required landscaping. Included on this landscape plan shall be: scale; north arrow; all permanent structures; names of all plant materials to be installed, both scientific and common; size and quantity of plant materials to be installed; existing plants on the site; ground cover to be used; hard-surfacing; other landscape materials as defined by this chapter; and name, address, and telephone number of the landscape designer.
2. Minimum landscaped area. All lots which are improved and put to use (but not vacant lots) shall have at least five percent of their gross area landscaped to the specifications of this article.
3. Buffer strip landscaping. Whenever a buffer strip is required or permitted, all portions of the buffer strip shall be planted and maintained with grass, ground cover, shrubbery, trees and other materials specified for use herein. See Section 6.1, site plan review, for administrative flexibility to these requirements.
 - A. A minimum of one deciduous tree shall be planted for each 30 lineal feet of required buffer strip length and shall be planted at approximately 30-foot intervals.
 - B. A minimum of one evergreen tree shall be planted for every ten lineal feet of required buffer strip length at approximately ten-foot intervals.
 - C. A minimum of three shrubs shall be planted for every ten lineal feet of required buffer strip length, but they need not be planted at uniform intervals and may be located along the buffer strip as desired by the property owner or user.
 - D. No landscaping shall be required where the strip is interrupted by driveways for vehicular access points shown on an approved site plan, but the buffer shall not otherwise be broken for pedestrian access.
 - E. A berm may be incorporated and plantings may be clustered for effect.
 - F. The planting strip will be no less than five feet in width.
 - G. Plant materials shall not be placed closer than two feet from any property line but excluding sod and groundcover/perennials.
4. Parking facility landscaping.
 - A. There must be provided and maintained a minimum of 15 square feet of landscaping conforming to the specifications of this article for each parking space provided in the parking facility area with a minimum of 150 square feet on any lot. Buffer strip landscaping and landscaping in the right-of-way shall not be counted in meeting parking facility requirements.

- B. Parking facility landscaping shall be not less than three feet in any single dimension and not less than 150 square feet in any single area and shall be protected from parking areas with curbing or other permanent means to prevent automobile encroachment onto the landscaping areas. Areas less than these minimum requirements will not be considered as part of the landscaping requirements.
 - C. A minimum of one deciduous or large evergreen tree shall be planted for each 400 square feet or fraction thereof of required parking facility landscape area.
 - D. In order to delineate on-site circulation, improve sight distance at the intersection of parking aisles, ring roads, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, end islands (landscaped with raised curb) shall be required at the end of all parking bays that abut traffic circulation aisles in off-street parking lots. In areas where internal traffic circulation is forecast to be low or where the raised islands would not be appropriate, the city council may waive the requirement for an end island or may require painted islands only. The end islands shall generally be at least seven feet wide, and be constructed three feet shorter than the adjacent parking stall.
5. Existing plant material. On some sites, sound ecological management principles dictate that reasonable efforts be made to preserve mature trees, shrubs, and other live plant materials from heedless or needless destruction. In instances where healthy plant materials exist on a site prior to its development, the building official may adjust the application of landscaping standards to allow credit for preserved materials in keeping with the intent of this section so long as the functional or practical equivalent landscaping is provided.
6. Landscaping material specifications. The following materials are approved and disapproved for use within this city:
- A. Quality: Plant and grass materials used in compliance with the provisions of this ordinance and article shall conform to standards of the Michigan Association of Nurserymen and shall have passed any inspections required under state regulations. Grass areas and sod shall be clean and free of weeds and noxious pests or diseases.
 - B. Plastic materials: Plastic or other nonorganic plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this ordinance or meet the specifications herein.
 - C. Sizes and varieties: For maximum survivability and quick effect, all plant materials should either conform to the requirements of Section 5.16.7 or be the functional equivalent. All trees shall (preferably) be balled and bagged at the time of planting--the city has had poor survival experience with the planting of bare-root trees.
7. Plant materials and sizes. The following suggests varieties of planting materials recommended for use within this city. All such materials should meet the recommended minimum sizes specified at the time first planted (whether initially or replaced) in all districts other than R1:
- A. Large Deciduous Trees: All tree plantings should be at least 1 3/4" caliper at a point on the trunk 6" above the ground
 - i. Ash (Marshall seedless, summit)
 - ii. Black tupelo
 - iii. Locust (thornless, seedless, varieties only)
 - iv. Maple (varieties including red schwedler, sugar, and Norway--not silver)
 - v. Oak (varieties)

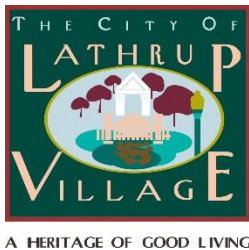
- vi. Sweet gum
- B. Small Flowering Deciduous Trees: All single stem tree-like planting should be at least 1 3/4" caliper at a point 6" above the ground
 - i. Flowering cherry
 - ii. Flowering crabapple (hybrid varieties)
 - iii. Hawthorn (varieties)
 - iv. Flowering dogwood (varieties)
 - v. Eastern redbud
 - vi. Allegheny serviceberry (varieties)
 - vii. Linden
 - viii. Purple leaf plum
- C. Large Evergreen Trees: All plantings should be at least 48" in height
 - i. Fir (including Douglas and Colorado)
 - ii. Yews (tall)
 - iii. Spruce (varieties)
 - iv. Pine (except white pine)
- D. Small Evergreen Trees: All plantings should be at least 36" in height
 - i. Arborvitae (varieties)
 - ii. Upright yews
 - iii. Upright juniper
 - iv. Upright juniper (varieties)
- E. Deciduous Shrubs: All deciduous shrubs should be at least 18" in height
 - i. Forsythia
 - ii. Honeysuckle (varieties)
 - iii. Mock orange (varieties)
 - iv. Ninebark
 - v. Sargent crabapple
 - vi. Spirea (varieties)
 - vii. Tall hedge buckthorn
 - viii. Viburnum (varieties)
 - ix. Lilac
- F. Evergreen Shrubs: All evergreen shrubs should be at least 18" in height
 - i. Spreading juniper
 - ii. Euonymus (hardy varieties)
 - iii. Ilex (holly) (hardy varieties)

- iv. Spreading yew
- v. Evergreen azaleas
- vi. Pyracantha
- vii. Rhododendron
- viii. Yucca
- ix. Pieris

G. Ground Covers

- i. Pachysandra: 6--12 plants/square yard
 - ii. Vinca: 9 plants/square yard
 - iii. English, Baltic ivy: 3 plants/square yard
 - iv. Grass (varieties, but not obnoxious weeds): As needed for at least 75 percent coverage within one growing season and full coverage within two
 - v. Wood chips (but not gravel or stones)
8. Prohibited plant materials. The following plant materials (and/or their clones and cultivars) shall not be planted in this city, because of susceptibility to storm damage, disease, and/or other undesirable characteristics:
- A. Silver maple (*Acer dasycarpum*)
 - B. Box elder (*Acer negundo*)
 - C. Tree of heaven (*Ailanthus*)
 - D. European barberry (*Berberis vulgaris*)
 - E. Northern catalpa (*Catalpa speciosa*)
 - F. Eastern red cedar (*Juniperus virginiana*)
 - G. Poplar (*Populus*)
 - H. Willow (*Salix*)
 - I. American elm (*Ulmus americana*)
 - J. Obnoxious weeds (as defined by the city's ordinances relating to weed control, mowing, and removal).
9. Landscaping construction and maintenance specifications. Landscaping in this city shall meet the following specifications:
- A. Installation: All installations of plant materials shall be in accordance with the general planting specifications as set forth by the American Association of Nurseryman.
 - i. Landscaped areas must be protected from vehicular encroachment by wheel stops, curbing, or the equivalent.
 - ii. All plant materials will be installed within eight months of the date of issuance of a temporary certificate of occupancy. In the instance where such completions is not possible, a cash bond, letter of credit, or corporate surety bond in an amount equal to the estimated cost of the landscape plan or portion thereof will be deposited with the city clerk to insure project completion.

- B. Maintenance: Persons occupying parcels where landscaping is required to be installed shall maintain such landscaping in good condition so as to present a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead material shall be replaced within one year or by the end of the next planting season (whichever comes first) with materials conforming to the specifications of this ordinance. The maintenance of such landscaping shall be in violation of this ordinance in the event it is found to be clearly and substantially less well maintained than the landscaping installed around the Municipal Building at 27400 Southfield Road.
10. Yard landscaping. All side, front, and rear yards not incorporated into a parking facility or occupied by sidewalks, driveways, and structures shall be landscaped with grass, ground cover, or other live plant materials, provided however, this requirement shall not apply to vacant lots.
 11. Right-of-way landscaping. The owners and occupants of all lots shall cause the area between the paved or travelled portion of any street or alley which abuts their lot and their property lines to be landscaped with grass, ground cover, or other live plant materials, provided however, this requirement shall not apply to vacant lots or to areas occupied by sidewalks, driveways, or other permitted structures and improvements. One deciduous tree shall be provided in the right-of-way for each 50 feet of street frontage. All right-of-way landscaping shall conform to such further regulations as may be imposed by the governing body of the governmental unit having jurisdiction over the right-of-way.
 12. Vacant lot maintenance. The owners of all vacant lots must cause them to control [conform] to the city's ordinances relating to weed control, mowing, and removal.
 13. Permit required. In all districts other than R1, whenever a vacant lot is converted to use by the construction of land improvements or an existing developed lot is altered by the construction of a new building or addition to an existing building, the property owner must obtain a landscape special permit in addition to all other required permits, pursuant to Section 7.4.
 14. Vehicle parking prohibited. No person shall cause or permit landscaped areas to be used for the parking or storage of automobiles, trucks, or motor homes.
 15. Special landscaping requirements. When requested by the building official, all site plans submitted for approval shall include a landscape element which clearly shows all existing trees which are more than six inches in trunk caliper when measured three feet above ground level in height. The plans must clearly designate which of such trees are to be saved and which will be destroyed by the development. The landscape element must also show the landscape design features of the development. No site plan shall be approved unless the plan affirmatively shows that reasonable care and diligence has been exercised to preserve existing healthy trees and shrubs and other valuable mature plant materials on the site.



City of Lathrup Village

27400 Southfield Road
Lathrup Village, Michigan 48076
248.557.2600
www.lathrupvillage.org

Item 8B.

MEMORANDUM

DATE: June 11, 2021
TO: Planning Commission
FROM: Susie Stec, Director – Community & Economic Development
RE: Cannabis Open House Summary

On Wednesday, May 26, 2021, a Cannabis Open House was held for the purpose of presenting the current drafts of the zoning and general code ordinances related to cannabis. There were approximately two dozen attendees – half were comprised of individuals from the cannabis-industry, a quarter represented commercial property owners, and the remaining quarter were residents.

The Open House consisted of an overview presentation of the draft ordinances, extensive Q & A with attendees which included one-on-one conversations with the Community & Economic Development Director and planning consultants, and several informational displays to illustrate the current state laws, where cannabis facilities are located in the region, and estimated cannabis revenues in Oakland County. Handouts were provided. Attendees were asked to provide any comments/questions which are summarized in the table on the next page.

The Open House information has remained on display at City Hall and no additional written comments were provided. Conversations with residents have been mixed. Some are adamantly opposed to permitting cannabis in the community, while others are neutral leaning in-favor but mostly interested in becoming more informed. To provide greater opportunities for engagement, the public hearing has been moved to July 20th and a public notice has been published for the scheduled 1st reading on June 21st.

Cannabis Open House Comments – May 26, 2021

Create clear zoning map to include *all* protected areas and establish designated "Green Zones" for properties. This will reduce requests of staff to verify the green zone status of each property and any confusion for applicants and residents.

My wife and I DO NOT WANT CANNABIS BUSIENSSES IN Lathrup Village. Revenue cannot drive everything! I believe the use of cannabis leads to other drug use and addiction. We have grandchildren living in the village and do not want cannabis businesses here.

Cannabis is still a cash-based business. As such, it has a greater potential for attracting criminals wishing to get their hands on a large amount of cash. I don't want that type of business in my community, near my home.

There's someone growing pot on Santa Barbara and it smells really strong outside. So I am not in favor of these businesses. It would be like a tobacco shop smelled like cigar smoke outside. No one wants that. Plus more pot will lead to more impaired driving. Just go to 7-11. Everyone gets out of cars in plumes of pot smoke unless police start cracking down all over on impaired driving, I don't want expanded pot selling here in LV.

memorandum

DATE: June 10, 2021

TO: City of Lathrup Village Planning Commission

FROM: Jill Bahm, Giffels Webster

SUBJECT: Zoning Discussion - Cannabis

Recent Action

- **May 26, 2021.** An open house was held to present general cannabis information and the draft ordinance language to the public. Comments received will be shared with the Planning Commission and City Council.
- **April 20, 2021.** The Planning Commission will discuss the final draft zoning ordinance, with minor changes that cross-reference to the draft licensing ordinance. Once satisfied with this language, the Planning Commission may wish to set a public hearing.
- **February 8, 2021.** The Planning Commission held a public hearing on a separate ordinance related to primary caregiver facilities as permitted by the Michigan Marihuana Facilities Licensing Act (MMFLA). This ordinance provides for such uses in a specific district in the City and prohibits them from residential districts.
- **January 19, 2021 Planning Commission Meeting.** The Planning Commission discussed the draft ordinance and changes to mitigate odors and impacts on adjacent uses.
- **October 20, 2020 Planning Commission Meeting.** The Planning Commission discussed a general concept and the background considerations for cannabis regulation in the City.

The remainder of the memo that follows includes that background as well as a summary of the proposed draft ordinance language and questions discussed earlier in the process.

Introduction

What prompted this discussion?

- On November 6, 2018, Michigan voters approved Proposal 18-1, which legalized recreational marijuana and created the Michigan Regulation and Taxation of Marihuana Act (MRTMA). The law required all Michigan communities to decide if it would allow or prohibit state-licensed recreational marijuana establishments.
- The city of Lathrup Village held an informational town hall meeting in January 2019 and the city, along with many other communities across the state, opted out of the MRTMA. City Council included a “sunset” on the opt-out, to encourage discussion on the issue.
- A subcommittee has been researching how other communities regulate cannabis facilities and, in August 2020, recommended that the city allow a limited number of facilities.

- City Council extended the sunset on the opt-out through August 2021, allowing for time to create ordinances that are appropriate to the city of Lathrup Village. This will include general code and zoning amendments.

What types of facilities are permitted by the MRTMA?

The MRTMA and its associated administrative rules define the following uses:

- **“Designated consumption establishment”** means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license issued under the Michigan regulation and taxation of marihuana act.
- **“Grower”** means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.
- **“Microbusiness”** means a person or entity licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a Marihuana Safety Compliance Facility, but not to other marihuana establishments.
- **“Processor”** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.
- **“Provisioning center”** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.
- **“Safety compliance facility”** means a licensee that is a commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
- **“Secure transporter”** means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
- **“Temporary marihuana event license”** means a state license held by a marihuana event organizer under the Michigan regulation and taxation of marihuana act, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license.

What is the difference between cannabis, marihuana and marijuana?

According to the Michigan Marihuana Regulatory Agency (MRA), Michigan’s spelling with an “h” was chosen for the Marihuana Tax Act of 1937. As governing state laws spell marihuana with an “h,” MRA legal communication and references to statutes in relation to the Michigan Medical Marihuana Act or the Michigan Medical Facilities Licensing Act or the Michigan Regulation and Taxation of Marihuana Act

– and the corresponding administrative rules will use an “h” in the spelling of Marihuana. In non-formal communication, “j” will generally be used.

Regardless of the spelling, there are some people who consider the word marijuana to be pejorative and racist, due to the classification given by drug enforcement agencies during and after prohibition and again in the 1960’s. We recommend using the term cannabis to refer to the industry from a more objective perspective that removes any historical stigma and negative connotations coming from the use of the word marijuana.

Current Language

What does the Zoning Ordinance say?

- Since cannabis facilities are not currently permitted in the city, the zoning ordinance does not address them. If the city did permit them without specific zoning standards, the Planning Commission would determine which permitted uses are the most similar and those standards would apply.
- For example, a provisioning center is essentially a retail use and would be permitted wherever retail uses are permitted and any standards, such as parking, etc. that apply to retail establishments would apply to provisioning centers. Other establishments, such as a transporter, may be more industrial in nature and be permitted as such.

Potential impacts and considerations

The MRTMA allows communities to select which types of facilities and how many it wishes to permit. The recent petitions submitted vary from two provisioning centers to as many as seven provisioning centers and each of the other facilities. Zoning standards may be developed to protect the public health, safety, and welfare. The city may wish to consider potential impacts of cannabis facilities to determine if any specific standards should apply to mitigate those impacts. Some of those issues may include:

- Safety. Are there safety concerns for employees of the facilities, patrons of the facilities or the public in surrounding areas? What about the appearance of security measures like shutters, bars and the like?
- Parking and traffic. Are there any unusual parking or traffic considerations associated with these uses?
- Energy and water consumption. In particular, grow and processing facilities can be high-demand uses for energy and water. Are there any areas of the city in which this could be problematic? Could this be mitigated by including renewable energy and water re-use in the scoring criteria and rewarding businesses that address these issues effectively with additional points?
- Nuisances. What nuisances are typically associated with these facilities? These concerns generally include odor, but are there other concerns?

These concerns may be addressed through some of the following approaches:

- Location. Where in the community should such uses be permitted?
 - Facilities are generally grouped as follows:
 - Grow, processing, testing and transport facilities, in urban areas, are mainly indoor uses, and are generally industrial in nature.

- Microbusinesses have a grow component but also may sell to the public, similar to a micro-brewpub.
- Provisioning centers are retailers and designated consumption establishments are similar to bars. Many communities recognize that these centers may be perceived as safer when located in a standard retail-type setting, rather than in an industrial setting.
- Issues to be explored:
 - Are there any compatibility issues with existing uses?
 - State law requires uses to be located at least 1,000 ft from schools, which precludes several areas of the city, including most of downtown – but should these uses be permitted downtown? Should there be setbacks from residentially zoned areas? Is a setback from residential zoning practical given that nearly all non-residential properties in the city abut residential zoning?
 - Is there a concern about concentration of such uses or should they all be located together?
 - Are there any accessory uses that should be considered, like drive-through facilities, or the sales of other products, including alcohol?
- Trash. How is waste handled? Where is it stored?
- Hazardous materials. Specific standards related to the storage of hazardous materials should apply.
- Hours of operation. Should any of these uses be limited in their hours of operation?
- Parking. How is visitor parking accommodated? What should the standards be? How are deliveries accommodated?
- Outdoor activities. Should any outdoor sales, storage or seating be permitted?
- Signage. Signs will be regulated through the city's sign ordinance; any cannabis-related facilities should be treated the same way in terms of time, place and manner. While the MRTMA does allow some content-based regulation, it is unclear if this is consistent with general sign-based case law.
- Lighting. How is the site lit to ensure safety while limiting an overly bright site, glare and excessive energy usage?
- Building design. Are there standards for building design and/or form that should be included? Should facilities have any energy-related standards?
- Fencing/screening and landscaping. Are there any additional site improvements needed to screen or buffer any of these facilities from surrounding uses?
- Permitted uses. With use and site standards in place, should these uses be permitted by-right or as special land uses (which require public hearings)?

Recommendation

- See draft ordinance attached.

ORDINANCE NO. ____

CITY OF LATHRUP VILLAGE

OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF LATHRUP VILLAGE ZONING ORDINANCE

ARTICLE 2, TO ADD DEFINITIONS FOR CANNABIS FACILITIES, ARTICLE 3, TO ADD SPECIFIC CANNABIS FACILITIES TO THE MIXED USE AND COMMERCIAL VEHICULAR DISTRICTS AS SPECIAL LAND USES, AND TO ARTICLE 4, TO ADD SPECIFIC STANDARDS FOR PERMITTED CANNABIS FACILITIES.

THE CITY COUNCIL OF THE CITY OF LATHRUP VILLAGE ORDAINS:

PART I. DEFINITIONS.

Amend Section 2.2 – Definitions, to add the following definitions:

Cannabis facilities. Cannabis facilities mean “marihuana facilities” as defined by the State of Michigan. Additional terms are defined in Section 18-282 of the City of Lathrup Village municipal code. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air contaminants. Stationary local sources producing air-borne particulates, heat, odors, fumes, spray, vapors, smoke or gases in such quantities as to be irritating or injurious to health.

Cannabis facility. A location at which a license holder is licensed to operate under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA) and the Michigan Regulation and Taxation of Recreational Marihuana Act (MRTMA)

Cannabis retailer. A person licensed to obtain cannabis from cannabis establishments and to sell or otherwise transfer cannabis to cannabis establishments and to individuals who are 21 years of age or older.

Person. An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

Safety compliance facility. A facility authorized to receive cannabis from, test cannabis for, and return cannabis to a licensed cannabis facility.

Separation Distance Measurements. The distance computed by measuring a straight line from the nearest property line of the parcel used for the purposes stated in this ordinance to the nearest property line of the parcel used as a cannabis facility.

PART 2. AMEND ARTICLE 3 TO ADD CANNABIS FACILITIES AS FOLLOWS:

Section 3.1.7.C. Commercial Vehicular District. Special land uses

xi. Cannabis Facilities: Cannabis retailer and safety compliance facility

Section 3.1.9.C. Mixed Use District. Special land uses

x. Cannabis Facilities: Cannabis retailer and safety compliance facility

PART 3. AMEND ARTICLE 4 TO ADD A NEW SECTION 4.17 AS FOLLOWS:

Section 4.17 Cannabis Facilities

1. **Purpose.** It is recognized by this Chapter that certain unique uses cannot easily be evaluated in the same manner as other uses because of their potential to adversely affect public health, safety and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the purpose and intent of this Chapter. However, when properly regulated, these uses can make a positive contribution to the economic vitality of the city. Therefore, it is the purpose of this Article to impose reasonable regulations upon certain uses to provide an adequate approval process while moderating their potential adverse effects on surrounding and neighboring properties.
2. **Applicability.** Any land use that requires a license from the Department of Licensing and Regulatory Affairs (LARA) in the administration of Michigan Medical Marihuana Facilities Licensing Act (MMFLA), Michigan Regulation and Taxation of Marihuana Act (MRTMA) or other state law providing for the sale, transport, testing, growing, distribution, and processing of cannabis or any other activity involving a cannabis-related use shall require review and approval pursuant to Article 6. Any facility not specifically authorized in this Ordinance is prohibited. Provisions of this section do not apply to the medical use of cannabis in compliance with the Michigan Medical Marihuana Act (MMMA).
3. **Approval Procedures for Cannabis Facilities.**
 - A. **Zoning approval.** Zoning approval shall be required prior to issuance of any license. Zoning approval does not guarantee a license for any proposed facility.
 - B. **License Required.** Licensing for cannabis facilities is required per Chapter 18 of the City of Lathrup Village Municipal Code.
4. **Zoning review application requirements.** Zoning applications for cannabis facilities shall be submitted as required in Section 6.2. In addition, the following information is also required:
 - A. As provided in Section 6.1, a site plan shall be required, showing the proposed building(s) to be used, remodeled or reconstructed, along with the parking, landscaping and lighting plans. Existing and proposed building elevations shall be provided, including building materials, window glazing calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations.
 - B. A plan for general waste disposal, chemical disposal and plant waste disposal.
 - C. A notarized statement by the property owner that acknowledges use of the property for a cannabis facility and agreement to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a cannabis facility. Written consent shall also include approval of the owner and operator for the City to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations.
 - D. A copy of official paperwork issued by LARA as follows: paperwork indicating that the applicant has successfully completed the prequalification step of the application for the state operating license associated with the proposed land use, or proof that the applicant has filed such application for the prequalification step with LARA, including all necessary application fees.

- E. A map, drawn to scale, containing all schools, publicly owned parks or playgrounds, temporary emergency shelters, Substance Use Disorder Programs, Residential Districts, and any marihuana facilities within one-thousand (1,000) feet of the proposed location. Distances shall be measured in accordance with the Separation Distance Measurements, as defined in Section 2.2.
 - F. Operations and Management Plan. An operations and management plan shall be submitted. The plan should describe security measures in the facility as required by Section 18-285 (18); this may include the movement of the product, methods of storage, cash handling, etc.
 - G. All permitted facilities shall be bonded to guarantee that all accounting and taxes are paid in full according to the law and that the operation or facility performs in accordance with all government standards
5. **Separation Distances.** It has been observed that without separation distances between cannabis facilities and certain other land uses, cannabis facilities can tend to concentrate in clusters. It is further recognized that these uses which, because of their very nature, have serious objectionable operational characteristics, particularly when concentrated under certain circumstances. In addition, special regulations of cannabis facilities have been deemed necessary to limit the intensity and density of this use, and to recognize that separation distances are necessary from certain uses as described in this Section. No cannabis facilities are permitted within one thousand (1,000) feet of the following uses:
- A. K through 12 public or private school building or licensed child care center
 - B. A government or nonprofit facility that offers regular, on-site programs and services primarily to persons 18 years of age and under and is used for said programs and services for a minimum of three (3) days a week year-round. Programs and services may include, but are not limited to, social, training, cultural, artistic, athletic, recreational or advisory services and activities and includes private youth membership organizations or clubs and social service teenage club facilities.
 - C. A publicly owned park or playground
 - D. A facility is licensed by the State of Michigan as a Substance Use Disorder Program
 - E. A facility that serves as a temporary emergency shelter. **This distance may be reduced to 500 ft by the approving body.**
6. **General requirements for cannabis facilities.** In addition to the licensing requirements of Section 18-293, the following general requirements apply:
- A. Consumption of cannabis shall be prohibited in all facilities, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.
 - B. Residential uses within the same structure/building are prohibited.
 - C. Outdoor storage of any kind is prohibited. The discharge of toxic, flammable or hazardous materials into city sewer or storm drains is prohibited. All waste shall be kept secure and shall be disposed of in a manner consistent with local, state and federal laws.
 - D. No cannabis facilities shall be operated in a manner that creates noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the facility is operated.
 - E. Air contaminants must be controlled and eliminated by the following methods:

- i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all air contaminants prior to leaving the building. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three (3). The filter(s) shall be rated for the applicable CFM.
 - ii. Air scrubbing and filtration system must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
 - iii. Negative air pressure must be maintained inside the building.
 - iv. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - v. The building official may approve an alternative odor control system, in accordance with the Michigan Mechanical Code, if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required.
- 7. **Specific requirements for cannabis retailers.** Such uses shall be presented as being for retail purposes and shall contribute to the vibrancy and walkability of the district. The sale or dispensing of alcohol or tobacco products at a cannabis retail facility is prohibited.
 - A. **Hours of operation.** No cannabis retailer shall be open to the public between the hours of 8 p.m. to 8 a.m.
 - B. **Facility Exterior.** The exterior appearance of a facility must be compatible with surrounding businesses and any descriptions of desired future character, as described in the Master Plan. All standards of the MX and CV district apply.
 - i. No cannabis or equipment used in the sale, testing or transport of cannabis can be placed or stored outside of an enclosed building. This section does not prohibit the placement or storage of motor vehicles outside of an enclosed building so long as money or cannabis is not left in an unattended vehicle.
 - ii. Site and building lighting shall be sufficient for safety and security, but not cause excessive glare or be designed so as to be construed as advertising with the intent to attract attention. Outdoor lighting will comply with Section 5.8.
 - iii. Drive-through facilities and mobile facilities are prohibited.
 - C. **Facility Interior.**
 - i. Interior construction, design and use of a facility will not impede the future use of a building for other uses as permitted in the assigned zone district.
 - ii. Neither cannabis nor cannabis-infused products may be placed within twenty (20) feet of the front façade, nor illuminated such that they are visible from a public way.
 - iii. Interior security measures other than security cameras shall not be visible from the public right-of-way (e.g. security shutters, bars, or other methods) during operating business hours.
 - iv. Interior lighting shall not be so bright so as to create a nuisance to neighboring property owners or passersby.

- v. Ventilation, by-product and waste disposal, and water management (supply and disposal) for the facility will not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.
8. **Specific requirements for Safety Compliance Facility.** In addition to the general standards, the following standards apply:
- 1. Such facilities shall have a secured laboratory space and cannabis storage areas that cannot be accessed by the general public.
 - 2. All employees as such facilities shall have appropriate education, training and/or experience to comply with state regulations on testing medical cannabis.
 - 3. There shall be no other accessory uses permitted within the same facility other than those associated with testing cannabis.
 - 4. Cannabis that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

PART 4. AMEND SECTION 5.13 AS FOLLOWS TO PROVIDE PARKING STANDARDS FOR CANNABIS FACILITIES:

Section 5.13.13. Minimum numbers of parking spaces required.

C. Business & Commercial

- i. Professional and administrative offices, **including cannabis safety compliance facilities:** One (1) per 275 sq ft of gross leasable area
- iv. Personal services and retail uses, **including cannabis retail facilities:** One (1) per 200 sq ft of usable area...

PART 5. SAVINGS CLAUSE.

The amendments referenced herein do not affect or impair any act done, offense committed, or right accruing or acquired, or liability, penalty or forfeiture or punishment pending or incurred prior to the effective date of this amendment.

PART 6. SEVERABILITY.

This Ordinance and its various parts, sentences, paragraph, sections, clauses and rules promulgated hereunder are hereby declared to be severable. If any part, sentence, paragraph, section, clause, or rule promulgated hereunder is adjudged to be unconstitutional or invalid for any reason, such holdings shall not affect the remaining portions of this Ordinance.

PART 7. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

PART 8. EFFECTIVE DATE; PUBLICATION.

This Ordinance shall become effective after publication of a brief notice in the newspaper circulated in the City, stating the date of the enactment and the effective date of the Ordinance, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk, and such other facts as the City Clerk shall deem pertinent.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL, CITY OF LATHRUP VILLAGE, OAKLAND COUNTY, MICHIGAN THIS ____ day of ____, 2021

Yvette Talley, City Clerk

Date of Introduction:

Date of Adoption:

Date of Publication of Notice of Adoption:

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of the ordinance passed at a meeting of the City of Lathrup Village held on the ____ day of ____, 2021

Yvette Talley, City Clerk

Introduction to Sustainability and Resiliency Planning

Why Sustainability and Resiliency? What are they?

Sustainability and resiliency have become buzz words in recent years and are often used interchangeably and in a variety of contexts.

- **Sustainability** is the ability to meet the needs of the present without jeopardizing the ability of future generations to meet their own needs.¹ This is often presented as having three components:
 - Economic
 - Social
 - Environmental

All three are equally important in creating a truly sustainable community. Weaknesses in one will result in weaknesses in the others over time. Sustainability touches all aspects of life, from businesses, to neighborhood interactions and civic life, to recreation, where your food comes from, the water we drink, and the air we breathe.

- **Resiliency** is the capacity to absorb, adapt, and transform when a disruption happens.² A disruption could take a long time to cause a problem (such as air pollution causing widespread respiratory illnesses) or it could occur suddenly (such as a terrorism event, tornado or health pandemic). It could be short- or long-lived, with long-term impacts. It could affect a large or a small region. Resiliency requires forethought, preparation, and continuous monitoring.

Both sustainability and resiliency have an important role in building healthy and vibrant communities for the future. Simple, yet effective, actions can be taken to lessen the negative effects of climate change stressors and other disturbances on residents and business owners, while also improving all three components of sustainability. This will help create conditions for economic vitality, social equity, and natural resource protection in the city. Developing action strategies based on the city's values, assets and risk factors will help residents thrive, even in the face of more frequent events that threaten to disrupt our daily lives.

Why here?

The Draft Comprehensive Plan sets the stage. The city has the basis to think more comprehensively about sustainability and resiliency planning as part of an overall strategy to create a more equitable and inclusive community where people want to live, work, and play.

Small changes lead to big impacts. Local changes can add up to even greater impacts at the regional, state, national, and international level.³ Cities have a lot of opportunity to create sustainable conditions, as they can most easily reach and include residents. Therefore, actions taken by cities can be truly place-based and best fit the community. For example, many cities worldwide have developed comprehensive sustainability plans while others have created climate action plans focused specifically on reducing greenhouse gas (GHG) emissions. As the City of Lathrup Village looks ahead and begins to think about the community it wants to be, including sustainability and resilience planning will make the city a more desirable destination and increase its impact throughout the region.

¹ UN World Commission on Environment and Development

² Bene et al., 2016

³ C40 Cities Network, 2020

Disruptions can occur anywhere. No community is free from risk. While the likely challenges faced differ from community to community, all can do something to reduce that probability and improve their response. Planning now allows actions to be tailored in a way that best fits the City of Lathrup Village. Additionally, planning for one threat will help prepare for others, whether it be anticipated or unexpected.

Climate change is evident in the Midwest. Scientists predict increased rainfall, flooding events, consecutive and frequent high heat days, and extreme weather events.⁴ These climatic and weather changes may result in reduced food security as production and distribution is impacted⁵, an increase in pests and resulting public health issues such as West Nile and Zika, loss or damage to property, and dangerous conditions for everyday activities. Metro areas are at a particular risk of transportation system issues. More extreme weather is likely to cause more frequent and prolonged transit delays due to increased use of roadways and reduced alternative routes.⁶ Costly infrastructure repairs may result in reallocating funds from high-need programs and services.⁵

Why Now?

Maybe a better question is, why not now?

There are lessons to be learned from COVID-19. The COVID-19 pandemic has given all communities a hard look at gaps in their services, infrastructure, and systems as well as required innovation and change in many positive ways. As we begin to recover from the COVID-19 pandemic and think about what communities need now, keeping sustainability and resiliency in mind will allow projects to meet not only current needs but also prepare for future ones.

The climate continues to change. Impacts of the Midwest's changing climate are projected to worsen in the coming decades,⁷ so even if the impacts are not being strongly felt now, they may be felt soon with too little time to adapt. Additionally, many possible disruptions do not have to do with climate change and could realistically happen at any time. Acting now can reduce immediate threats and improve response outcomes to any disturbance, while also lessening the impact of likely future ones.

There are many positive impacts of planning. Sustainability and resiliency planning can have many positive effects in all three dimensions of sustainability. In the short term, communication channels between stakeholders will be created and strengthened. This increases capacity for inclusion, collaboration, and equitable problem solving, leading to equitable solutions to any challenge faced in the community. In the longer term, implementation of mitigation and adaptation strategies will improve overall resilience, making the community less susceptible to disruptions. These changes in perspective and increased collaboration could jumpstart more intentional planning for community resilience in other sectors, thereby increasing equity and decreasing inequality.

How do we get started?

Every community varies in its approach to sustainability and resiliency planning and action. Even taking small steps can lead to big improvements. The Planning Commission may wish to discuss one of the higher-priority issues facing the city – flooding – and explore changes to regulations for stormwater management that could make a positive impact in the mitigation of flooding and water damage city.

⁴ Pryor et al., 2014

⁵ Gasper et al., 2011; Scott et al., 2018

⁶ Mattsson & Jenelius, 2015

⁷ Pryor et al., 2014